

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 10

June 10, 2010

SUBJECT: LOS ANGELES DEPARTMENT OF PUBLIC WORKS, BUREAU OF STREET SERVICES, INVESTIGATION AND ENFORCEMENT DIVISION AS AN OUTSIDE AGENCY - ESTABLISHED

EFFECTIVE: IMMEDIATELY

PURPOSE: The Los Angeles City Charter authorizes the Los Angeles Department of Public Works (LADPW), Bureau of Street Services, Investigation and Enforcement Division (BSS IED) to enforce specific public right-of-way laws and ordinances. The LADPW employs the BSS IED Investigators as public officers to enforce and investigate environmental crimes related to illegal dumping and the illegal use or misuse of the public right-of-way (e.g., public street, alley, park, sidewalk or other public property). This Order establishes the LADPW, BSS IED as an outside agency.

PROCEDURE: RECOGNIZED OUTSIDE AGENCY. In discharging their duties, LADPW, BSS IED Investigators interact with Department personnel regarding public right-of-way laws and ordinances. To facilitate a good working relationship, a Memorandum of Agreement (MOA) has been established between the Department and LADPW, BSS IED. The Memorandum of Agreement officially recognizes LADPW, BSS IED Investigators as those employed by an "Outside Agency" with which the Department has established formal procedures as specified in Department Manual Section 4/801.

The attached MOA clarifies the Los Angeles Police Department's responsibilities related to this Agreement. Los Angeles Police Department personnel should familiarize themselves with the MOA and refer to this document regarding questions related to LADPW, BSS IED enforcement. A copy of the MOA is also accessible within the "InfoWeb Menu" section on the Department's Local Area Network.

AMENDMENTS: This Order amends Sections 4/801 and 4/865 of the Department Manual.

MONITORING RESPONSIBILITY: The Director, Office of Operations, shall have monitoring responsibility for this directive.

June 10, 2010

AUDIT RESPONSIBILITY: The Commanding Officer, Internal Audits and Inspections Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.

A handwritten signature in black ink, appearing to read 'C. Beck'.

CHARLIE BECK
Chief of Police

Attachment

DISTRIBUTION "D"

CITY OF LOS ANGELES

CALIFORNIA

ANTONIO R. VILLARAIGOSA
MAYOR

MEMORANDUM OF AGREEMENT

Between

**The Los Angeles Police Department and the Los Angeles Department of Public Works,
Bureau of Street Services, Investigation and Enforcement Division**

I. PARTIES

This Memorandum of Agreement "MOA" is entered into by and between the Los Angeles Police Department "LAPD" and the Bureau of Street Services (BSS) of the Department of Public Works.

PURPOSE

The Department of Public Works, Bureau of Street Services, Investigation and Enforcement Division (BSS IED) is responsible for the enforcement of applicable provisions of law related to the public right-of-way. The public safety responsibility of BSS IED is mandated by Section 5681 of the Streets and Highways Code of the State of California, which specifically requires municipalities to see that "the laws, ordinances, orders, and regulations relating to the public streets are fully carried into execution, and that the penalties thereof are rigidly enforced" in the interest of public health, safety and welfare.

The Los Angeles City Charter states that the authority and responsibility for policing the City rests with the LAPD. In addition, the Charter authorizes BSS IED to enforce specific public right-of-way related laws and ordinances. The BSS IED employs Investigators ("public officers" pursuant to Penal Code Section 836.5) with peace officer powers of arrest (Penal Code Section 830.7 and L.A.M.C. Section 61.07) to fulfill this public safety responsibility. These peace officer powers of arrest are for specialized Public Works law enforcement and intended to aid Investigators with working in a cooperative and supplementary role with the LAPD.

It is in the best interest of the City of Los Angeles, City employees and the general citizenry that BSS IED Investigators and LAPD officers coordinate their efforts to provide effective and efficient public safety service related to public rights-of-way. This agreement is intended to delineate responsibilities of the BSS IED and LAPD concerning the enforcement of public right-of-way laws and ordinances in order to reduce the illegal use of the right-of-way and reduce hazardous conditions in the City of Los Angeles.

The parties agree that this MOA is subject to all applicable current and future Federal, State, and Local laws, the Los Angeles City Charter, and any applicable rules and regulations enacted by independent commissions of the City (collectively, "Laws"). If any article, part, or provision of this MOA is in conflict or inconsistent with such laws, or is otherwise held to be invalid or unenforceable by any court of competent jurisdiction, it will be suspended and superseded by such Laws and/or court ruling, and the remainder of this MOA will not be affected unless the essential purpose of this MOA will be materially impaired. Nothing in this MOA is intended to restrict or limit the authority and duty of the Chief of the Investigation and Enforcement Division of the City of Los Angeles Department of Public Works, Bureau of Street Services to carry out the law enforcement responsibilities mandated by the Los Angeles Municipal Code and the California Penal Code.

III. AUTHORITY AND RESPONSIBILITY

- A. Under Section 570 of the Los Angeles City Charter, the Los Angeles Police Department is the authorized law enforcement agency, and has the responsibility and authority, for policing the City and its citizenry and for the investigation of all criminal activity.
- B. Under Section 580 of the Los Angeles City Charter, the Department of Public Works is responsible to investigate and enforce laws related to public right-of-way use or misuse.
- C. California Penal Code Section 830.7 grants the arrest powers of a peace officer, authorizing arrests pursuant to Penal Code Section 836. Investigator authority shall be limited to course and scope of their employment as defined by Los Angeles Municipal Code Section 61.07.

IV. GENERAL RESPONSIBILITIES

A. Investigation and Enforcement Division

Bureau of Street Services, Investigation and Enforcement Division Investigators will normally make arrests, issue citations and conduct preliminary investigations (within the scope of employment as delineated by the terms of this MOA) and complete crime reports and other related reports involving enforcement of public right-of-way laws and ordinances.

B. Los Angeles Police Department

The LAPD will make arrests and conduct follow up investigations of all violent crimes and complex felonies. The LAPD will conduct both the preliminary and follow up investigations of cases involving juveniles and crimes of violence involving the use of weapons.

V. ARREST PROCEDURES

A. Investigation and Enforcement Division

- 1 When a BSS IED Investigator makes an arrest, he/she will complete the arrest report and all other related reports.

B. Los Angeles Police Department

- 1 When an arrest initiated by a BSS IED Investigator is determined to be the responsibility of the LAPD, as previously specified in this MOA, LAPD personnel will assume responsibility for the preliminary investigation and booking of the arrestee(s). When practicable, the BSS IED Investigator who made the initial arrest shall accompany the LAPD officer(s) to the appropriate LAPD division to be interviewed by the LAPD supervisor approving booking.

VI. TRANSPORTING AND BOOKING PROCEDURES

A. Investigation and Enforcement Division

The BSS IED Investigators will be responsible for completing the booking process after the arrestee has been transported to the appropriate LAPD facility by LAPD officers. The BSS IED Investigators may transport arrestees to the appropriate LAPD facilities when using City vehicles properly equipped for arrestee transport.

Prior to booking a sick or injured person at any LAPD facility, the arresting BSS IED Investigator will provide the concerned LAPD watch commander with evidence from the Jail Division Dispensary or a City approved contract hospital that the arrestee has been medically treated and is approved for booking at an LAPD jail facility.

B. Los Angeles Police Department

Los Angeles Police Department officers will be responsible for transporting the arrestee(s) to the appropriate LAPD facility without unnecessary delay unless the BSS IED Investigator transports said arrestee(s).

The LAPD will be responsible for booking approval of all BSS IED Investigator arrests of individuals who are to be booked into an LAPD jail facility. When necessary, LAPD watch commanders shall arrange for LAPD officers to be available to assist BSS IED Investigators with the booking and processing of the arrestee(s), as well as with the handling of any related evidence.

The LAPD will normally furnish jail facilities for adult male and female prisoners arrested within the City by BSS IED Investigators.

EVIDENCE AND PROPERTY PROCEDURES

A. Investigation and Enforcement Division

The BSS IED Investigators will retain custody of evidence related to public right-of-way violations or evidence that is property of the Department of Public Works. The BSS IED Investigators will book all other evidence and property associated with an arrest into the custody of the appropriate LAPD facility. When booking evidence with the LAPD, BSS IED Investigators will comply with LAPD Manual Section 4/840. The BSS IED Investigators removing evidence from LAPD Property Division will comply with procedures applicable to LAPD personnel.

The BSS IED Investigators will have the same responsibilities as LAPD preliminary investigators in booking misdemeanor evidence, disposition of booked misdemeanor evidence and property.

B. Los Angeles Police Department

Los Angeles Police Department officers accepting custody of BSS IED arrestees assume responsibility for the custody of all evidence and property booked into LAPD by the BSS IED Investigator. Los Angeles Police Department officers will also accept excess personal property of such arrestees.

2. When property is booked, the concerned BSS IED Investigator will be given one copy of the Property Report, Form 10.01.00, or, if more convenient, a copy of the Receipt for Property Taken into Custody, Form 10.10.00.
3. Los Angeles Police Department officers will be available to assist BSS IED Investigators with advice regarding evidence and property procedures.

VEHICLE IMPOUND PROCEDURES

A. Investigation and Enforcement Division

- 1 The BSS IED Investigators routinely impound vehicles under the authority of Section 22651 of the Vehicle Code using the Official Police Garage (OPG) for the involved LAPD Division. In such cases, the impounding BSS IED Investigator will complete the required LAPD reports and make the necessary notifications. Bureau of Street Services, Investigation and Enforcement Division will have the responsibility for conducting impound hearings of vehicles impounded by BSS IED Investigators when such vehicles are not otherwise subject to an investigation for which LAPD retains investigative responsibility.

B. Los Angeles Police Department

Los Angeles Police Department officers will complete required reports and impound

stolen/embezzled vehicles and all other vehicles for which LAPD retains investigative responsibility. LAPD officers will be available to assist BSS IED Investigators with advice regarding vehicle impounds, completion of reports, and required notifications.

IX. ADMINISTRATIVE INVESTIGATIONS

A. Los Angeles Police Department

1. When an LAPD supervisor becomes aware that an arrest effected by an BSS IED Investigator appears improper, he or she shall request that a supervising BSS IED Investigator immediately review the matter and consult with the concerned LAPD supervisor. It will be the responsibility of the concerned LAPD watch commander to make the final determination on accepting the custody of an arrestee in such situations.
2. In any case where an arrestee complains of misconduct by a BSS IED Investigator or where there appears to be an issue of misconduct by a BSS IED Investigator, the LAPD supervisor shall notify the supervising BSS IED Investigator who will cause a supervisor to respond and conduct an administrative investigation.
3. When misconduct constituting a crime is alleged against a BSS IED Investigator, the concerned LAPD supervisor will ensure that the appropriate crime report is taken. The commanding officer of the LAPD division responsible for the criminal investigation will ensure that the necessary information to allow BSS IED investigators to conduct their administrative investigation is provided to the Chief Street Services Investigator.

B. Investigation and Enforcement Division

1. Whenever a LAPD supervisor notifies the BSS IED of an improper arrest by or possible misconduct of a BSS IED Investigator, the BSS IED will have a supervisor respond to discuss the matter with the LAPD supervisor and conduct an administrative investigation if appropriate.

X. LOCAL AREA NETWORK (LAN) - LAPD

A. Los Angeles Police Department

1. The LAPD will provide BSS IED Investigators authorization to access the LAPD Local Area Network (LAN) in LAPD facilities. The LAPD's Information Technology Division (ITD) will assign LAN, Network Communications System (NCS) and Los Angeles County Consolidated History Reporting System (CCHRS) user identification numbers to BSS IED personnel. LAPD will continue providing training to BSS IED personnel in the use of the LAPD LAN.

B. Investigation and Enforcement Division

1. Bureau of Street Services, Investigation and Enforcement Division will designate a

supervisory level liaison and will maintain records of BSS IED Investigators receiving LAN user identification numbers and will notify LAPD ITD of any changes, including new employment and terminations.

XI. TRAINING

A. Investigation and Enforcement Division

1. The Investigation and Enforcement Division will be responsible for ensuring that Street Services Investigators meet POST training standards as required by California Penal Code Section 832 and Los Angeles Municipal Code Section 61.07.

XII. INVESTIGATION AND REVIEW OF CATEGORICAL USE OF FORCE INCIDENTS

A. A categorical use of force is defined as:

1. The use of deadly force by a Department employee;
2. All uses of an upper body control hold by a Department employee, including the use of a modified carotid, full carotid, or locked carotid hold;
3. All deaths while the arrestee or detainee is in the custodial care of the Department;
4. A use of force incident resulting in death;
5. A use of force incident resulting in an injury requiring hospitalization; and,
6. All head strikes with an impact weapon.

B. The BSS IED Use of Force Policy will be consistent with the existing LAPD Use of Force Policy. The LAPD's Force Investigation Division (FID) will respond to and investigate all categorical use of force incidents involving BSS IED Investigators in the same manner as would be done for an LAPD officer. Force Investigation Division will be solely responsible for assembling the investigative report.

C. When FID conducts a categorical use of force investigation of an incident involving BSS IED Investigators, the report and findings of the investigation will be provided to the Director of the Bureau of Street Services, and the BSS IED Chief.

D. The Director of the Bureau of Street Services and BSS IED Chief will conduct reviews of categorical use of force incidents by BSS IED Investigators. The review process of categorical use of force consists of the following:

The BSS Director and BSS IED Chief will review the FID report to determine if the categorical use of force was within the BSS IED Use of Force policy.

2. The BSS Director will conduct a final review of the incident and adjudicate the incident in accordance with BSS IED's established procedures for review of categorical use of force incidents.

NON-CATEGORICAL USE OF FORCE INVESTIGATION – BSS IED

- A. Bureau of Street Services, Investigation and Enforcement Division will have sole responsibility for investigation of non-categorical uses of force by BSS IED Investigators. Such investigations will be investigated by the on-duty BSS IED Watch Commander or an investigator of their Division's Special Investigation Section.

RESOLUTION OF DISPUTES REGARDING TERMS OF THIS AGREEMENT

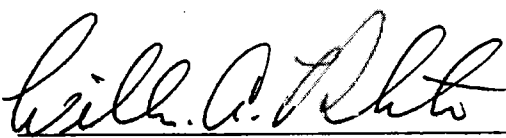
- A. Memorandum of Agreement related disputes between the parties will be resolved through the appropriate chain of command. If the matter in dispute involves a law enforcement issue that requires immediate resolution, the decision of the watch commander of the LAPD division in which the incident occurred will be followed until such time that the matter can be reviewed at a higher level.

XV. MUTUAL RESPONSIBILITIES

- A. The Watch Commanders of the Investigation and Enforcement Division and the Los Angeles Police Department are responsible for maintaining communications with respect to operational and administrative situations that are likely to involve or be of concern to the other agency.
- B. This MOA becomes effective when both the Director of the Bureau of Street Services and the Chief of Police have affixed their signatures below.
- C. This Memorandum of Agreement shall remain in effect until modified by mutual agreement of the parties or terminated by either Department.



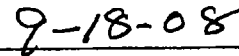
William J. Bratton
Chief of Police
Los Angeles Police Department



William A. Robertson
Director
Bureau of Street Services



9/18/08



9-18-08
Date